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## 6 | Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE CEMENT  
11 MASONS HEALTH AND WELFARE TRUST  
FUND FOR NORTHERN CALIFORNIA;  
12 BOARD OF TRUSTEES OF THE CEMENT  
MASONS VACATION-HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA;  
13 BOARD OF TRUSTEES OF THE CEMENT  
MASONS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA; AND BOARD  
14 OF TRUSTEES OF THE CEMENT MASONS  
TRAINING TRUST FUND FOR NORTHERN  
15 CALIFORNIA.

Case No.: C 10-3343 LB

**STATEMENT IN LIEU OF CASE  
MANAGEMENT CONFERENCE;  
ORDER THEREON**

**Date:** January 13, 2011  
**Time:** 1:30 p.m.  
**Ctroom:** 4, Oakland  
**Hon. Laurel Beeler**

Plaintiffs.

V.

19 C AND C CONCRETE, INC. a California corporation and JOSE R. HERRERA, JR., an individual,

Defendant.

## STATEMENT

23 Plaintiffs filed their Complaint for Breach of Collective Bargaining Agreement, To  
24 Recover Unpaid Trust Fund Contributions, for Breach of Fiduciary Duty and for a Mandatory  
25 Injunction (“Complaint”) on July 29, 2010, seeking to recover past due employee fringe benefit  
26 contributions on behalf of C and C Concrete, Inc.’s covered employees.

1 Defendants were served on August 6, 2010. Defendants failed to file a responsive  
2 pleading. On September 3, 2010 Plaintiffs filed their Request For Clerk's Entry of Default. On  
3 September 8, 2010 The Request for Clerk's Entry of Default was granted.

4 Defendants and Plaintiffs are still in direct negotiations in an attempt to resolve the  
5 matter prior to further litigation. Plaintiffs respectfully request that this Court allow the parties  
6 an additional 30 days to attempt to settle the case.

7 Based on the above, Plaintiffs respectfully request that this Court continue the Case  
8 Management Conference for 30 days at which time either Plaintiffs can report to the Court that  
9 the case is settled or Plaintiffs will file their Motion for Default Judgment.

10 DATED: January 5, 2011

11 BULLIVANT HOUSER BAILEY PC

12 By Ronald L. Richman  
13 Ronald L. Richman  
14 Susan J. Olson

15 Attorneys for Plaintiffs

16 **ORDER**

17 Pursuant to Plaintiffs' request and good cause appearing:

18 IT IS HEREBY ORDERED that the Case Management Conference be continued to  
19 March 10 \_\_\_\_\_, 2011, Courtroom 4, Oakland at 1:30 p.m. The parties shall file a joint CMC  
20 statement no later than 7 days prior to the continued case management conference.

21 DATED: January 6, 2011

22 By

